IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

TUESDAY, THE 11TH DECEMBER 2007 / 20TH AGRAHAYANA 1929

OP.No. 31098 of 2001(B)

PETITIONER:

VINNY VARGHESE, S/O. VARGHESE, AGED 28,
PADAYATTIL HOUSE, MUDAKKIRAI KARA,
RAYAMANGALAM VILLAGE, KUNNATHUNADU TALUK.

BY ADV. SRI.V.RAJENDRAN (PERUMBAVOOR)
SRI.GEORGE VARGHESE KIZHAKKAMBALAM

RESPONDENTS:

1. STATE OF KERALA, REPRESENTED BY DISTRICT COLLECTOR, ERNAKULAM, CIVIL STATION, KAKKANAD.

2. DEPUTY TAHSILDAR (RR), TALUK OFFICE, KUNNATHUNADU, PERUMBAVOOR.

3. VILLAGE OFFICER, RAYAMANGALAM VILLAGE OFFICE, KUNNATHUNADU TALUK, PERUMBAVOOR.

4. KERALA STATE ELECTRICITY BOARD, REP. BY SECRETARY, VYDYUTHI BHAVAN, PATTOM, THIRUVANANTHAPURAM.

5. ASSISTANT EXECUTIVE ENGINEER, KSEB, MAJOR SECTION, PAVARATTI, TRICHUR.

6. K.P.JOY, S/O.POULOSE, KOORAN KALLOOKKARAN HOUSE, PEECHANIKKAD, KOTHAKULANGARA S. VILLAGE, PULIYANAM.P.O., ALUVA.

BY ADV. SRI.N.D.PREMACHANDRAN, SC, KSEB
SRI.BABU JOSEPH KURUVATHAZHA
GOVERNMENT PLEADER
SRI.C.K.KARUNAKARAN, SC FOR KSEB

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD ON 11/12/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

O.P.NO. 31098/2001

ORDER ON CMP NO.50598/2001 IN O.P.NO. 31098/2001 & ORDER ON CMP NO.14662/2003 IN O.P.NO. 31098/2001

DISMISSED.

11/12/2007. SD/-(C.N.RAMACHANDRAN NAIR, JUDGE)

APPENDIX

PETITIONER'S EXHIBITS

P1 : COPY OF REPORT IN THE MALAYALA MANORAMA DAILY DATED 24/11/2000.

P2 : COPY OF THE DEMAND NOTICE NO.D3 15730/96 DATED 12/12/96 ISSUED BY 3RD RESPONDENT.

P3 : COPY OF REPRESENTATION DATED 08/10/01 FILED BY PETITIONER BEFORE RESPONDENTS 1 AND 5.

RESPONDENT'S EXHIBITS

ANNEXURE (a) : COPY OF THE REPORT DATED 30/05/2002.

// TRUE COPY //

PA TO JUDGE.

jg

C.N.RAMACHANDRAN NAIR, J.

O.P. No. 31098 of 2001

Dated, this the 11th day of December, 2007

J U D G M E N T

Heard learned counsel for the petitioner and learned standing counsel for Kerala State Electricity Board.

2. Petitioner is challenging recovery proceedings initiated against his late father for recovery of arrears of electricity dues. This Court found that arrears are accumulated only because KSEB allowed use of power to a chronic defaulter. Even though, connection given for construction purposes was in the name of petitioner's father, the contract in his favour was cancelled and therefore, subsequent contractor, additional 6th respondent impleaded herein, executed the work. The connection was obviously used by the additional 6th respondent and KSEB officials allowed him to use the connection continuously, even though no monthly bills were paid. This Court vide interim order dated 02/04/2002 directed the KSE Board to identify the officials involved. In the statement filed by the KSEB, it is stated that those who are responsible had already retired. This is yet another case of mismanagement of the affairs of the KSE Board by its own officials.

Therefore, consequences should be born by the Board itself. Accordingly, this original petition is allowed quashing the demand against the petitioner.

(C.N.RAMACHANDRAN NAIR, JUDGE)

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